

Appl. No. 10/092,150
Amdt. Dated December 16, 2005
Reply to Office Action of July 19, 2005

Docket No. IND10292
Customer No. 22917

REMARKS/ARGUMENTS

Applicants have amended Claims 1, 17 and 18. No new matter was added by these amendments. Claims 1-23 remain in this application. Applicants respectfully request reconsideration of this application in view of the above amendments and these remarks and arguments.

The Examiner has rejected Claims 1-10, 12, 14, 17-20 under 35 U.S.C. 103(a) as being unpatentable over Legge (2002/0034978), Lauper (WO 01/69548) and Jigour (USPN 5,815,426); has rejected Claims 11 and 15 under 35 U.S.C. 103(a) as being unpatentable over Legge, Lauper, and Jigour as applied to claim 1 above, and further in view of Eberhart (USPN 6,404,339); and has rejected Claim 13 under 35 U.S.C. 103(a) as being unpatentable over Legge, Lauper, and Jigour as applied to claim 1 above, and further in view of Robinson (USPN 4,591,854). Applicants traverse these rejections. Applicants submit that the cited art does not render Claims 1-23 obvious since it fails to teach or suggest every limitation recited in amended Claims 1, 17 and 18 and included by dependency in the remaining claims.

Claims 1, 17 and 18 all previously recited the elements of "promotional material comprising a visual aid that identifies a consumer product". Applicants have further amended Claims 1, 17 and 18 to clarify that the consumer product is "other than the promotional material." Such amendments find support in the examples of promotional material and products provided on page 15, lines 24-26 of the specification. Examples given of promotional material include a collector's card, game piece, game token, etc. Examples given of consumer products include cereal boxes, magazines, etc. Applicants submit that these further clarifying amendments are not taught or suggested in any of the cited references.

More particularly, the Examiner argues that Jigour teaches the limitations recited in Claims 1, 17 and 18 of promotional material comprising a visual aid that identifies a consumer product. The Examiner asserts that a SIM card having a manufacturer's logo included thereon

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reads on these limitations by analogizing the SIM card as being the promotional material and the consumer product and by analogizing the manufacture's logo as being the visual aid that identifies the consumer product (i.e., the SIM card). Applicants disagree with the Examiner's reasoning and submit that the manufacture's logo does not identify a consumer product but only identifies a particular manufacturer. However, even assuming validity of the Examiner's reasoning, Jigour teaches that the promotional material and the consumer product are one in the same, which is completely opposite of the above-identified limitations now recited in Claims 1, 17 and 18 and included by dependency in Claims 2-16 and 19-23, which states that the consumer product is other than the promotional material.

For all of these reasons, Applicants believe that Claims 1-23 are now in a condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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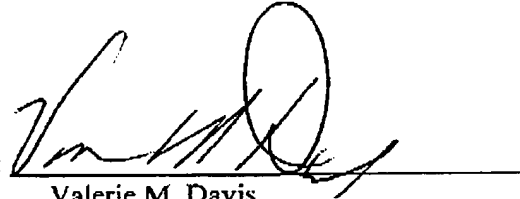
Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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Attachments